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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,823	12/27/2001	Hideki Uchimi	011767	9858

23850 7590 02/16/2005

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,823

Applicant(s)

UCHIMI ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yon et al.

Yon et al. teaches a method and system for selecting product colors. Specifically, the Yon et al. teaches a color database (matchable color database) for a product (column 2; lines 30-31). In addition, the host computer provides an interface that permits the purchaser to interact with the host computer system. The interface includes an output portion and an input portion. The output portion conveys information from the host computer system and the input portion is used to convey information to the host computer system (column 2; lines 56-67). Examiner notes that this related to the conditions-designating processing unit.

Yon et al. further teaches that once the host computer receives color information from the user, a search of the color database of available colors for the product commences (column 4; lines 26-28). Examiner notes that this represents the color data transmitting unit.

Yon et al. also teaches an indexing tool which is a spectrum of colors transmitted from the host computer to the purchaser computer for display (column 6; lines 20-24). Examiner notes that the spectrum represents Applicant's gamut. Yon et al. also teaches a virtual color table

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where the background is the target color and the “n” closest are swatches (column 5; lines 25-27).

Examiner notes that this represents Applicant’s virtual item coloring process unit.

Yon et al. further teaches that the system is capable of determining whether a vendor has a product in the target color or a color close enough to the target color (column 3; lines 15-20).

Examiner note that this represents available stock confirming unit.

Yon et al. also teaches that the host computer includes an order database, access control database, database server and firewall. Where the order database is used to store sample orders made by a purchaser and/or product orders. The access control database operates in conjunction with the firewall to prevent unauthorized access to the host computer and enforce limitations on the authorized access (column 6; lines 63-67 and column 7 lines 1-20). Examiner notes that this represents the customer database and user identification feature required by Applicant’s claims.

Examiner notes that it is inherent to the system of Yon et al. that the host computer store information related to dye, resin and pigment. One of ordinary skill in the art would recognize that these are fundamental to the coloring process and in order for the system of Yon et al. to provide colors and specifically custom colors this information must be part of the color database.

Response to Arguments

Applicant's arguments filed 11/15/04 have been fully considered but they are not persuasive. Applicant asserts that Yon fails to teach “a customer database which stores user information, comprising use information relating to items to be colored, in correlation with user ID, specifying users of the color-designating server; and wherein when the user has been identified, the conditions-designating processing unit transmits the conditions-designating

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screen, specifying the types of resin and dye or pigment in accordance with the use data of the user, which was obtained by consulting the customer database, to the user terminal".

Examiner disagrees. Yon et al. teaches that the host computer includes an order database, access control database, database server and firewall. Where the order database is used to store sample orders made by a purchaser and/or product orders. The access control database operates in conjunction with the firewall to prevent unauthorized access to the host computer and enforce limitations on the authorized access (column 6; lines 63-67 and column 7 lines 1-20). Examiner notes that this represents the customer database and user identification feature required by Applicant's claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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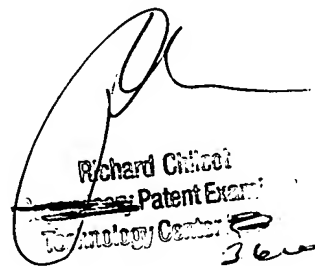
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak


Richard Chilcot
Patent Examiner
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